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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 29th October 1949

ORDINANCE No. XXVIII of 1949

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ORDINANCE

to provide for the adjudication of industrial disputes concerning certain banking and insurance companies.

WHEREAS an emergency has arisen which makes it necessary to provide for the adjudication of industrial disputes concerning banking and insurance companies having branches or other establishments in more than one Province;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Industrial Disputes (Banking and Insurance Companies) Second Ordinance, 1949.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context, the expressions “award”, “banking company”, “industrial dispute” and “insurance company” have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (XIV of 1947) as amended by this Ordinance.

3. Amendment of section 2, Act XIV of 1947.—In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act),—

(1) in sub-clause (i) of clause (a), for the words “a mine, oil-field” the words “a banking or an insurance company, a mine, an oil-field” shall be substituted;

(2) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘banking company’ means a banking company as defined in section 5 of the Banking Companies Act, 1949 (X of 1949) having branches or other establishments in more than one Province, and includes the Imperial Bank of India”;

(3) after clause (k), the following clause shall be inserted, namely —

“(kk) ‘insurance company’ means an insurance company as defined in section 2 of the Insurance Act, 1938 (IV of 1938) having branches or other establishments in more than one Province;”.

4. Prohibition of references by Provincial Governments of certain industrial disputes for adjudication, inquiry or settlement.—Notwithstanding anything contained in any other law, it shall not be competent for a Provincial Government or any officer or authority subordinate to such Government to refer an industrial dispute concerning any banking or insurance company, or any matter relating to such dispute, to any tribunal or other authority for adjudication, inquiry or settlement.

5. Abatement of proceedings relating to disputes pending before Provincial tribunals and reference of such disputes to tribunals constituted by the Central Government.—(1) Where under any law any industrial dispute concerning any banking or insurance company or any matter relating to such dispute has, before the commencement of this Ordinance, been referred by a Provincial Government or any officer or authority subordinate to such Government to any tribunal or other authority for adjudication or settlement and any proceedings in respect of or arising out of such reference were immediately before such commencement pending before any tribunal or other authority, then on the date of such commencement such reference shall be deemed to be withdrawn and all such proceedings shall abate.

(2) The Central Government shall, as soon as may be after the commencement of this Ordinance, by order in writing, refer under section 10 of the said Act every industrial dispute to which the provisions of sub-section (1) apply to an Industrial Tribunal constituted under the said Act for adjudication.

6. Powers of Central Government to refer disputes in respect of which awards or decisions have been made for re-adjudication.—(1) Where any award or decision has been made in respect of any industrial dispute concerning any banking or insurance company by any tribunal or other authority constituted or appointed by a Provincial Government, or any officer or authority subordinate to such Government, then the Central Government may, notwithstanding that the said award or decision is in force, by order in writing refer under section 10 of the said Act the dispute or any of the matters in dispute to an Industrial Tribunal constituted under the said Act for re-adjudication and stay the implementation of the award or decision so made or of any part of such award or decision until the Industrial Tribunal to which the dispute or any of the matters in dispute is referred for re-adjudication has submitted its award or for such further period as the Central Government may consider necessary.

(2) After the Industrial Tribunal to which the dispute or any of the matters in dispute has been so referred for re-adjudication has submitted its award under sub-section (1) of section 15 of the said Act, the Central Government may, by order in writing, declare that the award or decision previously made in respect of such dispute by the tribunal or other authority constituted or appointed by the Provincial Government or any officer or authority subordinate to such Government or such part of that award or decision as may be specified in the order shall cease to be in operation.

7. Validation of action taken under Ordinance VI of 1949.—Notwithstanding the expiry of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (VI of 1949), anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Ordinance, as if this Ordinance were in force on the day on which such thing was done or action taken.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

